

Response under 37 CFR 1.116 (Expedited Procedure)

Serial No.: 09/955,371

Examiner: Puneet Bhandari

REMARKS/ARGUMENTS

Claims 25 and 27-29 remain in this application. Claim 27 has been canceled. Claim 25 and 28 were amended.

In the outstanding official action, claim 28 was objected to because it depended upon a cancelled claim (claim 26). Applicants have amended claim 28 to depend upon pending claim 25. Applicants respectfully request that this objection be withdrawn.

In the outstanding official action claims 25 and 29 (claim 27 being canceled herein) were rejected under 35 USC 102 (e) as being anticipated by *Hama* (US 2004/0202171).

The enclosed declaration by Craig A. Hoersten is provided under 37 C.F.R. 1.131 to establish reduction to practice prior to the effective date of *Hama*, coupled with due diligence from August 2000 to a subsequent reduction to practice or to the filing of the US provisional (application No. 60/302,967) on July 3, 2001 and to the present utility application on September 18, 2001. Therefore, Applicant submits that the use of *Hama* for the rejection of claims 25 and 29 under 35 USC 102(e) is not proper, and that this rejection should be withdrawn.

In the outstanding official action, claim 28 was rejected under 35 USC 103(a) as being unpatentable over *Hama* in view of *Boyle et al.* (US Patent No. 6,831,932). As claim 28 depends either directly or indirectly from independent claim 25, and therefore incorporates all the limitations therein, for the reasons set forth above with respect to the rejection of claim 25, Applicants respectfully assert that *Hama* cannot be properly combined with *Boyle et al.* Applicants respectfully request that this rejection be withdrawn.

In the outstanding official action, claim 25 was also rejected under 35 USC 102(b) as being anticipated by *Lyon et al.* (US Patent No. 5,892,924). Applicants have amended claim 25 to substantially include the limitations of dependent claim 27, which was not rejected under *Lyon*. Therefore, Applicants respectfully assert that claim 25 as now presented overcomes this rejection.

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It is believed that the foregoing amendment places the Application in condition for allowance; therefore, Applicant respectfully requests withdrawal of the Examiner's rejection of the claims of the Office Action, and full allowance of same. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned to expeditiously resolve any outstanding issues.

Respectfully submitted,

ALCATEL


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